

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE: JUSTIN L. BATHRICK Case No. 10-
TRACY M. BATHRICK,

Debtors

CHAPTER 13 PLAN

I. PROPERTY AND FUTURE EARNINGS

1. The Debtors submit the following property and future earnings to the supervision and control of the trustee:

Future Earnings: \$875.00 per month for the duration of plan.

2. The Debtor has the following non-exempt assets available which effect the calculation of future earnings necessary for the plan:

- A. Equity of \$11,950.00 in Peterbilt tractor
- B. Equity of \$600.00 in dump trailer
- C. Equity of \$1,000.00 in utility trailer

II. DURATION OF PLAN

1. The payments shall be made by or on behalf of the debtor to the trustee for a period of 54 months.

III. CLASSIFICATION AND TREATMENT OF CLAIMS

1. Full payment in deferred cash payments of all claims entitled to priority under 11 USC 507, including trustee's compensation as determined by the U.S. Trustee's Office

2. Payment to debtor's attorney of the remainder of his unpaid fee in the amount of \$3,000.00.

3. Allowed secured claims dealt with inside the plan:

A. Santander Consumer USA

Trustee shall pay creditor the sum of \$17,580.00, with interest at 6% per annum, as and for the balance due on the 2004 Dodge Ram R2500.

B. HSBC/Yamaha

Trustee shall pay creditor the sum of \$6,000.00, with interest at 5% per annum, as and for the fair market value of the 2005 Yamaha four-wheeler and 2007 Yamaha four-wheeler.

C. WebBank/DFS

Trustee shall pay creditor the sum of \$250.00, with interest at 5% per annum, as and for the fair market value of the computer.

4. Secured claims payable outside plan:

A. NBT Bank

Debtors shall continue to pay creditor monthly payments as they become due as and for the loan secured by the 1997 East Dump Trailer.

B. Navistar Financial Corporation

Debtors shall continue to pay creditor monthly payments as they become due as and for the loan secured by the 2003 Peterbilt 379 Tractor.

5. Other claims:

A. None

6. Holders of allowed secured claims shall retain the liens securing such claims.

7. Subsequent to secured claims, unsecured creditors whose claims are duly allowed ratably to the amount of such claims shall share pro rata approximately the sum of \$13,550.00, which will constitute approximately and at least 10% of the anticipated total of such claims.

IV. OTHER PROVISIONS

1. There are no executory contracts of the debtor to be accepted or rejected.

2. Title to the debtor's property shall revert in the debtor at the time of the confirmation of the plan, unless otherwise stated in the Order confirming the plan.

3. The effective date of this plan will be the date of the Order confirming the plan.

4. The payments by the debtor will be made directly to the trustee, beginning 30 days after the filing of this Plan

DATED: November 22, 2010

/s/ Justin L. Bathrick

Justin L. Bathrick, Debtor

/s/ Tracy M. Bathrick

Tracy M. Bathrick, Joint Debtor

/s/ Jay Robeson, Esq.

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